

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 178 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

ARTI PETROLEUM

Versus

STATE OF GUJARAT

Appearance:

MS SANGITA PAHWA for M/S THAKKAR ASSOC. for Petitioner

MR MUKESH PATEL Id.AGP for Respondents

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 06/07/1999

ORAL JUDGEMENT

The letter dated 23rd June 1999 has been produced before this Court in original. Having perused this document, prima facie, it appears that no date after 23rd was intimated to the petitioner and prima facie, it appears that in terms of this letter, the petitioner was to be informed of the next date. That portion of this letter about which the author of the impugned order dated

31.12.1998 has observed that, 'It seems that the said sentence is written afterwards.....', does not appear to be correct. It is also observed in this order dated 31.12.1998 that it is a matter of separate investigation. The result of such investigation, if any, has not been produced.

Rule. Learned Asstt. Govt. Pleader Mr.Mukesh Patel waives the service of Rule. On the request of both the sides and in the facts and circumstances of this case, the matter is taken up for final hearing. In the facts and circumstances of this case, the matter is remanded back to the Controller of Food and Civil Supplies, Ahmedabad City. The impugned order dated 31.12.1998 passed by the Government of Gujarat and the order dated 14th August 1998 passed by the Food Controller are set aside. It is further ordered that till the matter is heard and decided by the Controller afresh, the order dated 23rd April 1998 passed by the Deputy Food and Civil Supplies Controller, Ahmedabad City, shall not be treated to be effective against the petitioner. However, the security given by the petitioner shall remain intact till the disposal of the matter by the respondents.

This Special Civil Application is allowed and the Rule is made absolute in the terms as aforesaid. No order as to costs.

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